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FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop RCE
Group Art Unit 3738
Examiner Bruce Edward Snow

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 09/921,844
Gary K. Michelson
Filed: August 3, 2001
SPINAL IMPLANT SURFACE CONFIGURATION
Attorney Docket No. 101.0084-01000
Customer No. 22882
Confirmation No.: 8295

FROM:

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 23

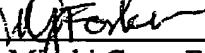
Date: April 17, 2008

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Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; the total amount of \$930.00 to cover the \$810.00 RCE fee and \$120.00 one (1)-month extension fee is to be charged to Deposit Account No. 50-3726), Request for Continued Examination (RCE) (in duplicate) and Amendment are being facsimile transmitted to the U.S. Patent and Trademark Office on April 17, 2008.



Miyabi Grace Forker

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FORM PTO-1083

APR 17 2008

Attorney Docket No.: 101.0084-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
 Gary K. Michelson
 Serial No: 09/921,844
 Filed: August 3, 2001
 For: SPINAL IMPLANT SURFACE
 CONFIGURATION

Confirmation No.: 8295

Group Art Unit: 3738
Examiner: Bruce Edward Snow

Mail Stop RCE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Request for Continued Examination (RCE) and Amendment in reply to the Advisory Action dated April 14, 2008 in the above-identified application.

- No additional fee is required.
 Applicant hereby requests a one (1)-month extension of time to respond to the above office action.
 A Terminal Disclaimer is enclosed.
 An Information Disclosure Statement Under 37 C.F.R. § 1.97(_____) with Form PTO/SB/08 is enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SIM \$ ENTITY FEE		ADD'L FEE DUE	
TOTAL CLAIMS FEE	117	-	127	**	0	LG=\$50 SM=\$25	\$50	\$ 0
INDEPENDENT CLAIMS FEE	3	-	3	***	0	LG=\$200 SM=\$100	\$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180		\$ 0	
					TOTAL		\$ 0	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

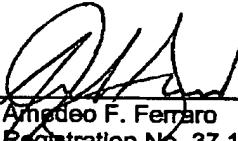
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- The total amount of \$930.00 to cover the \$810.00 RCE fee and \$120.00 one (1)-month extension fee is to be charged to Deposit Account No. 50-3726.
 The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
 Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
 Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,

MARTIN & FERRARO, LLP



By:

Amadeo F. Ferraro
Registration No. 37,129

Date: April 17, 2008

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Transmittal 4-17-08

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FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$360 SMALL ENTITY FEE = \$180		\$ 0
					TOTAL		\$ 0

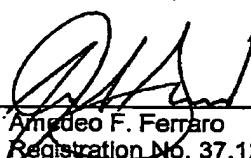
- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

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Respectfully submitted,

MARTIN & FERRARO, LLP

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PAGE 3/23 * RCVD AT 4/17/2008 5:38:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/19 * DNIS:2738300 * CSID:3102862795 * DURATION (mm:ss):08-04